



Virginia State Water Control Board Meeting September 24, 2020

VWPPP Regulation Amendments as a Result of 2020 General Assembly Actions

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Why are we amending the VWPPP Regulations?

- The 2020 General Assembly passed House Bill 1458 (Virginia Acts of Assembly Chapter 622) addressing water protection permits and the administrative withdrawal process.
- Authorizes Board to administratively withdraw pending VWPPP application for failure to submit complete application.
- The 2020 General Assembly also passed Senate Bill 616 (Virginia Acts of Assembly Chapter 958) changing the name of the Virginia Department of Game and Inland Fisheries to the Virginia Department of Wildlife Resources.

Changes in 9VAC25-210

- **9VAC25-210-10. Definitions.**
 - Revised definition of “Administratively withdrawn”.
- **9VAC25-210-80 D. Application for a VWP permit. (Incomplete application)**
 - Section divided into subsections to clarify the process and requirements for addressing “incomplete applications” for an individual permit or general permit coverage.

Changes in 9VAC25-210 (Cont.)

- **9VAC25-210-230 A 5. Denial of the VWP permit or variance request. (Basis for denial)**
 - Changed the Department of Game and Inland Fisheries to the Department of Wildlife Resources.
- **9VAC25-210-320 A. Preapplication procedures for new or expanded surface water withdrawals. (Preapplication review panel)**
 - Changed the Department of Game and Inland Fisheries to the Department of Wildlife Resources.

Changes in 9VAC25-660

- **9VAC25-660-50 C. Notification. (Coordination Requirements)**
 - Changed the Department of Game and Inland Fisheries to the Department of Wildlife Resources.
- **9VAC25-660-60 D. Application for a VWP permit. (Incomplete application)**
 - Section divided into subsections to clarify the process and requirements for addressing “incomplete applications” for general permit coverage.

Changes in 9VAC25-660 (Cont.)

- **9VAC25-660-100 Part I B 15. VWP general permit – Special Conditions. (Overall conditions – Time-of-Year restrictions)**
 - Changed the Department of Game and Inland Fisheries to the Department of Wildlife Resources.

Changes in 9VAC25-670

- **9VAC25-670-50 C. Notification. (Coordination Requirements)**
 - Changed the Department of Game and Inland Fisheries to the Department of Wildlife Resources.
- **9VAC25-670-60 E. Application for a VWP permit. (Incomplete application)**
 - Section divided into subsections to clarify the process and requirements for addressing “incomplete applications” for general permit coverage.

Changes in 9VAC25-670 (Cont.)

- **9VAC25-670-100 Part I B 15. VWP general permit – Special Conditions. (Overall conditions – Time-of-Year restrictions)**
 - Changed the Department of Game and Inland Fisheries to the Department of Wildlife Resources.

Changes in 9VAC25-680

- **9VAC25-680-50 C. Notification. (Coordination Requirements)**
 - Changed the Department of Game and Inland Fisheries to the Department of Wildlife Resources.
- **9VAC25-680-60 E. Application for a VWP permit. (Incomplete application)**
 - Section divided into subsections to clarify the process and requirements for addressing “incomplete applications” for general permit coverage.

Changes in 9VAC25-680 (Cont.)

- **9VAC25-680-100 Part I B 15. VWP general permit – Special Conditions. (Overall conditions – Time-of-Year restrictions)**
 - Changed the Department of Game and Inland Fisheries to the Department of Wildlife Resources.

Changes in 9VAC25-690

- **9VAC25-690-50 C. Notification. (Coordination Requirements)**
 - Changed the Department of Game and Inland Fisheries to the Department of Wildlife Resources.
- **9VAC25-690-60 E. Application for a VWP permit. (Incomplete application)**
 - Section divided into subsections to clarify the process and requirements for addressing “incomplete applications” for general permit coverage.
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Changes in 9VAC25-690 (Cont.)

- **9VAC25-690-100 Part I B 15. VWP general permit – Special Conditions. (Overall conditions – Time-of-Year restrictions)**
 - Changed the Department of Game and Inland Fisheries to the Department of Wildlife Resources

Process

- **Final Exempt Process**

- The Administrative Process Act allows for an expedited adoption process if certain criteria are met.
- § 2.2-4006 A 4 (a): A regulation may be exempt from full process if it is “necessary to conform to changes in Virginia Statutory law or the appropriation act where no agency discretion is involved.”

End of Staff Presentation

- Are there any questions?

- The staff recommends:

Staff Recommended Action

The Board adopt the proposed amendments to the VWPPP regulations, authorize their publication, and affirm that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.